

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMIE C. GIBBS and ANTHONY
EUGENE LEWIS,

Plaintiffs,

v.

DEPARTMENT OF SOCIAL HEALTH
SERVICES,

Defendant.

CASE NO. C22-5005 BHS-TLF

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge Theresa L. Fricke's Report and Recommendation ("R&R"), Dkt. 22, and her Order to Show Cause, Dkt. 23.

Plaintiff Jamie C. Gibbs has failed to keep the Court apprised of his updated mailing address as required by Local Civil Rule 41(b)(2). All of his mail has been returned as undeliverable and his application to proceed *in forma pauperis* is deficient. As a result, Judge Fricke ordered Gibbs to show cause why he should not be dismissed as a plaintiff for failure to prosecute. Dkt. 19. That order was also returned as undeliverable,

1 Dkt. 21, he did not respond, and Judge Fricke therefore recommends the Court dismiss
2 Gibbs as a plaintiff, Dkt. 22. Gibbs has not objected to the R&R.

3 Similarly, Plaintiff Anthony Eugene Lewis has failed to keep the Court apprised of
4 his updated mailing address. Lewis's application to proceed *in forma pauperis* was
5 granted, Dkt. 17, but he has not made an appearance in the case since April and his mail
6 is being returned as undeliverable. On August 26, 2022, Judge Fricke ordered Lewis to
7 show cause why he should not be dismissed as a plaintiff for failing to keep the Court
8 updated as to his address. Lewis has not responded.

9 The Court having considered the R&R, the Order to Show Cause, and the
10 remaining record, and no objections having been filed, does hereby find and order as
11 follows:

12 (1) Plaintiff Jamie Gibbs has failed to notify the Court and opposing parties of
13 his current mailing address, has failed to resolve his *in forma pauperis*
14 deficiency, and has failed to prosecute this case;

15 (2) The R&R is **ADOPTED**;

16 (3) Gibbs is **DISMISSED** from this action **without prejudice** for failure to
17 prosecute under Local Civil Rule 41(b)(2);

18 (4) Plaintiff Anthony Eugene Lewis has failed to notify the Court and opposing
19 parties of his current mailing address, has failed to prosecute this case, and
20 has failed to respond to Judge Fricke's Order to Show Cause;

21 (5) Lewis is **DISMISSED** from this action **without prejudice** for failure to
22 prosecute under Local Civil Rule 41(b)(2);

1 (6) Lewis's *in forma pauperis* status shall **CONTINUE** for the purposes of
2 appeal; and

3 (7) The Clerk shall enter JUDGMENT and close this case.

4 Dated this 4th day of October, 2022.

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7 BENJAMIN H. SETTLE
United States District Judge
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